Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. 96-259
Table of Allotments,	)	RM-8970
FM Broadcast Stations.	)	
(Moscow, Idaho)	)	

COUNTERPROPOSAL AND COMMENTS

To: The Chief, Allocations Branch

Rook Broadcasting of Idaho, Inc. ("Rook"), by its attorney, pursuant to Section 1.420(d) of the Commission's Rules, hereby respectfully submits the instant comments and counterproposal to the referenced allotment, pursuant to the Notice of Proposed Rulemaking in this matter, DA 96-2126, released December 27, 1996.

The captioned proposal would allot FM Channel 277A to Moscow, Idaho as that community's second local commercial FM service. The instant counterproposal is to allot Channel 276C1 to Post Falls, Idaho, to delete Channel 276C2 from Coeur d'Alene, Idaho and to modify the license for station KDCA(FM), which currently operates on Channel 276C2 at Coeur d'Alene, Idaho, to specify operation on Channel 276C1 at Post Falls, Idaho. The reference coordinates for this counterproposal are:

47° 39' 35" North Latitude

116° 57' 12" West Longitude

These coordinates are those of the presently-licensed site of KCDA, and represent a site restriction of 6.5 km south of Port Falls to prevent short-spacing to KSPT(FM), Sandpoint, Idaho.

In support of this counterproposal, the following is respectfully shown:

1. Attached hereto is an engineering study of Owl Engineering, Inc. which demonstrates the mutual exclusivity of the captioned rulemaking proposal and the instant counterproposal. The engineering study further demonstrates that the counterproposal allotment will provide city grade coverage to all of Post Falls and will meet all Commission and Canadian spacing requirements.

2. Post Falls is located along Highway I-90 between Spokane, Washington and Coeur d'Alene, Idaho, at the center of the largest commercial hub in both the region and the state. Post Falls has been labelled the "western gateway to North Idaho." It boasts substantial population and an extraordinary growth rate. It had a 1990 Census population of 7,349. Estimates prepared by J.P. Stravens/Planning Associates, Inc. of Coeur d'Alene, Idaho demonstrate the dramatic growth of Post Falls:

1992	8,015
1993	9,532
1994	10,854
1995	11,534

1996(est.) 12,595

3. The Post Falls government consists of an elected mayor and city council. Services and resources include a chamber of commerce, fire and police departments, an ambulance service, a food bank, a public library, a parks and recreation department and a post office. There are two private and five public schools (three elementary schools, a junior high school and a high school) having enrollment of approximately 4,000 students. Thirty-five buses transport 2,600 students on a daily basis. Twenty-six churches are located within Post Falls.

4. The Post Falls economy consists of timber and lumber production, grass seed and agricultural products, light industry, recycling, electronic and computer production, furniture manufacturing, tourism, and many supporting businesses that serve the residential and business community. The largest employers located within Post Falls are the following:

1. Harper's -- 500 (all figures are for average numbers of employees);
2. Louisiana Pacific -- 450;
3. Post Falls School District -- 360;
4. Factory outlet stores -- 350;
5. Templin's Resort -- 190;
6. Century Publishing -- 150;
7. Jacklin Seed -- 140;
8. Alpha Health Services -- 140;

9. Hauser Lake Lumber/Fleetwood Homes -- 130;

10. City of Post Falls -- 100;

11. Idaho Veneer -- 75.

5. Despite its substantial population, explosive growth and independent governmental, educational and economic structures, Post Falls does not have any local broadcast outlet. The instant counterproposal would provide this much-needed resource. In contrast, Coeur d'Alene would remain served by station KNVI(AM), 1080 kHz, which operates with 10 kW daytime and 1 kW nighttime (directional) power. Also allocated to Coeur d'Alene is Channel 272A which, upon lifting of the Commission's current freeze on comparative proceedings, will become activated by one of the mutually exclusive applicants now on file. In the meantime, Coeur d'Alene is also served by FM station KTHQ, 94.5 mHz, 100 kW, which is licensed to Hayden, Idaho, located immediately north of Coeur d'Alene.

6. Coeur d'Alene had a 1990 Census population of 24,563. Its growth rate, as estimated by J.P. Stravens/Planning Associates, Inc., is significantly less than that of Post Falls, with a 1992 population of 27,065; a 1993 population of 27,443; a 1994 population of 28,207; a 1995 population of 29,176 and an estimated 1996 population of 30,568.

7. It is further respectfully noted that Moscow, Idaho, the community proposed in RM-8970, had a 1990 Census population of only 18,519, but its needs are already well-served by two

full-time commercial stations (KRPL(AM), 1400 kHz, 1 kW; and KZFM(FM), 106.1 mHz, 62 kW) and two non-commercial FM stations (KRFA, 91.7 mHz; and KUOI, 89.3 mHz). Clearly, Post Falls has a greater need for a first local transmission service than does either Moscow or Coeur d'Alene for multiple services.

8. In addition to this crucial benefit of a first local transmission service, the public interest would be further served by the additional coverage of the Class C1 facility proposed herein, as opposed to the limited Class A service that would be rendered by the Moscow allotment. Since the allocation site for Post Falls is the same as the currently licensed site of KCDA, no service would be lost by adoption of the counterproposal.

9. In sum, it is respectfully submitted that the counterproposal herein will result in a preferential allotment of FM channels. Specifically, it is proposed that § 73.202(b) of the Commission's rules be amended with respect to Coeur d'Alene and Post Falls as follows:

	Channel No.	
City	Present	Proposed
Coeur d'Alene	272A, 276C2	272A
Post Falls	----	276C1

Rook Broadcasting of Idaho, Inc. states its present intention to apply for Channel 276C1 at Post Falls if it is allotted, and to build a station promptly (by means of modifying

KCDA to operate with appropriate Class C1 facilities on that channel).

Respectfully submitted,

ROOK BROADCASTING OF IDAHO, INC.

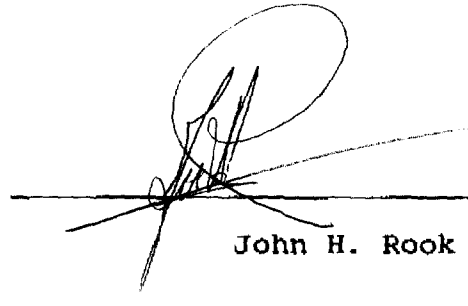
By: _____
Peter Gutmann
Its Attorney

Pepper & Corazzini, L.L.P.
1776 K Street, N.W.
Washington, D.C. 20036
(202) 296-0600

February 18, 1996

DECLARATION UNDER PENALTY OF PERJURY

John H. Rook declares under penalty of perjury that he has read the attached "Counterproposal and Comments" in MM Docket No. 96-259 and that all of the facts stated therein (except those separately supported by an Engineering Statement or of which the Commission may take official notice) are true and correct of his personal knowledge and belief.



John H. Rook

2/15/97

Date

OWL ENGINEERING, INC.

CONSULTING COMMUNICATIONS ENGINEERS
EMC TEST LABORATORIES

8899 Hastings St. NE, Minneapolis, MN 55449
(612) 785-4115 • Fax (612) 785-4631
1-800-797-1338

ENGINEERING STATEMENT ON BEHALF OF ROOK BROADCASTING OF IDAHO, INC. IN SUPPORT OF COMMENTS AND A COUNTERPROPOSAL MOSCOW, COEUR D' ALENE AND POST FALLS, IDAHO

February 12, 1997

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Owl Engineering, Inc. has been retained by Rook Broadcasting of Idaho, Inc. (hereafter Rook) to prepare this engineering statement in support of comments and a counterproposal in reference to RM-8970, MM Docket No. 96-259. An alternative option is advanced with these comments.

Below is a summary of the proposed amendments to the FM Table of allotments, FCC Rule Section 73.202(b) in this proceeding:

Location	Present	RM-8970	Counterproposal
Coeur d' Alene, ID	276C2, 272A	276C2, 272A	272A
Moscow, ID	291C1	291C1, 277A	291C1
Post Falls, ID*			276C1

* Based in 1990 US Census data, Post Falls has a population of 7,349 persons.

The reference coordinates for Post Falls, ID (276C1) used in this study are:

47° 39' 35" North Latitude
116° 57' 12" West Longitude

Channel 272A at Coeur d' Alene, Idaho is not operational at this time. In addition to FM service, Coeur d' Alene is served fulltime by KVNI, AM 1080 Khz.

The reference coordinates listed above represent Rook's licensed coordinates for Radio Station KCDA, channel 276C2 at Coeur d' Alene. This site is located 6.5 kilometers south of Post Falls and represents a site restriction to prevent a short spaced condition with KSPT located at Sandpoint, ID.

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ALLOCATION CONSIDERATIONS

Included as Engineering Exhibit E-1 is an allocation study for channel 276C1 at Post Falls based on the reference coordinates listed above. As can be seen from this exhibit, the reference coordinates are in complete conformance with FCC Rule Section 73.207 with respect to all domestic facilities. However, there exists a short spaced condition with the vacant allotment at Creston, British Columbia, Canada.

Pursuant to the Working Arrangement for the Allotment and Assignment of FM Broadcasting Channels 201-300 Under the Agreement Between the Government of the United States of America and the Government of Canada Relating to the FM Broadcasting Service in the 88-108 MHz Frequency Band (hereinafter the Arrangement), allotments at less than the minimum spacings may be acceptable to both countries if objectionable interference does not occur.

The aforementioned Agreement with Canada defines the protected contour for the Creston allotment as the 54 dBu F(50,50) and extends a maximum distance of 65 kilometers. The interfering contour from the proposed allotment as first adjacent channel is defined as 48 dBu F(50,10) and extends a maximum distance of 130 kilometers. The predicted distance to contours for each of these allotments are based on maximum allowable parameters. Creston assumed the maximum Height Above Average Terrain (HAAT) and maximum radiated power for a class B facility. Engineering Exhibit E-2A shows the protected contour

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of Creston along with the proposed interfering contour. Examination of this exhibit reveals an interference zone that lies entirely over land area within the United State border. According to paragraph 5.2.2.4 of the Agreement, "Where the protected contour extends beyond the boundary of the country in which the allotment is located, protection shall be provided only to land areas, including islands, lying within that country. In this case, overlap of the interfering and the protected service contours shall be acceptable provided that the interference zone does not fall within these areas." The proposal of Rook complies with this paragraph since the entire overlap area is within United States territory.

When evaluating protection afforded to the domestic proposal, it is the Commission's policy to define the protected contour of the domestic proposal as 60 dBu F(50,50) which extends 72.3 kilometers. The interfering contour from a first adjacent Canadian channel is defined as 54 dBu F(50,10) and extends 78 kilometers. Engineering Exhibit E-2B shows the protected contour of Rook's reference site along with the interfering contour of the Creston allotment. Examination of this exhibit reveals no overlap of these contours. As a result, Rook's proposal is in complete compliance with the Canadian Agreement.

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COVERAGE CONSIDERATIONS

Rook's proposal was examined to determine if a Class C1 facility located at the reference coordinates listed above would comply with FCC Rule Section 73.315 regarding minimum signal coverage requirements. The 70 dBu contour is depicted in Engineering Exhibit E-3. As can be seen from Engineering Exhibit E-3, the community of Post Falls is completely served by a signal of 70 dBu or greater. (The F(50,50) metric curves of Figure 1 of Section 73.333 of the Commissions Rules were used to calculate the distance to the 70 dBu contour along the eight standard 45-degree spaced radials and the radial through the city of Post Falls.) The radial drawn through the principal community is depicted on the profile plot included as Engineering Exhibit E-4. This permitted a determination to be made that there are no major obstructions in the intervening path from the transmitter site to the principal community.

MUTUAL EXCLUSIVITY

An attempt was made to find reference site locations for Post Falls and Moscow that would allow both proposals to coexist. Included as Engineering Exhibit E-5 is a map depicting the available land area available for channel 277A at Moscow. The site labeled as " Moscow Site #1" shows the reference coordinates submitted by Darin L. Siebert, the petitioner for channel 277A at Moscow.

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There is also a site labeled "Moscow Site #2" on this map. The coordinates for this site are:

46° 40' 35" North Latitude
116° 51' 00" West Longitude

This site was select in order to maximize the distance to Post Falls. Include as Engineering Exhibit E-6 is a map depicting the available land area for channel 276C1 at Post Falls. The two protection arcs labeled "Moscow Site #1" and "Moscow Site #2" correspond to the descriptions above. On this map, there are two sites labeled "Post Falls #1" and "Post Falls #2". Site #1 is Rook's proposed reference site. Site #2 is a site that meet all domestic mileage separation requirements and the required mileage separation to the "Moscow Site #2" site location. The coordinates for "Post Falls Site #2" are:

47° 50' 19" North Latitude
117° 16' 02" West Longitude

If the "Moscow #1" site were to be protected, there would not be any location for a transmitter site that would meet all domestic mileage sparation requirements, a requirement for allotment purposes.

The "Post Falls #2" site is short spaced to the Creston, BC allotment and the allotment located at Grand Forks, BC. This site meets the conditions of the Agreement with respect to the Grand Forks allotment but not Creston. The "Post Falls #2" site is located 129 kilometers to the Canadian border. Since the interfering contour of a reference Class C1 contour extends 130 kilometers, there is approximately 1 kilometer of interference within the Canadian border. This area is depicted in Engineering Exhibit E-7. This is in direct violation of the Agreement.

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In each case (Moscow and Post Falls) Site #2 will "theoretically" provide 70 dBu service to the proposed community of license utilizing the Commission's F(50,50) metric curves of Figure 1 of Section 73.333 along the eight standard 45-degree spaced radials and the radial through the city. However, Inspection of the terrain between Site #2 and the community of license reveals a severe terrain shadowing problem in each case. At Moscow, the terrain shielding is due to Tomer Butte. The terrain profile from Site #2 to Moscow is depicted in Engineering Exhibit E-8. At Post Falls, the terrain shielding is due to the Selkirk Mountains. The terrain profile from Site #2 to Post Falls is depicted in Engineering Exhibit E-9.

As can be seen from Exhibits E-8 and E-9, neither site will provide the proposed community of license with "line-of-sight" service in violation of FCC Rule Section 73.315(b) which states in part

> "The location of the antenna should be so chosen that line-of-sight can be obtained from the antenna over the principle city or cities to be served; in no event should there be a major obstruction in this path. "

As a result, it is impossible for both proposals to coexist.

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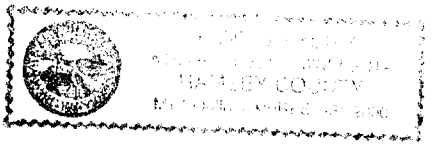
AFFIDAVIT

RAMSEY COUNTY)
) ss:
STATE OF MINNESOTA)

Michael W. Radovich, being first duly sworn, says that he is an employee of Owl Engineering, Inc., consulting communications engineers with offices in Blaine, Minnesota: that his qualifications as an expert in communications engineering are a matter of record with the Federal Communications Commission: that the foregoing exhibit was prepared by him and under his direction; and that the statements contained therein are true of his own personal knowledge except those stated to information and belief and, as to those statements, verily believes them to be true and correct.

Michael W. Radovich, P.E.

Subscribed and sworn to before me this date February 12, 1997



Diane S. Lysiak
Notary Public

My commission expires January 31, 2000

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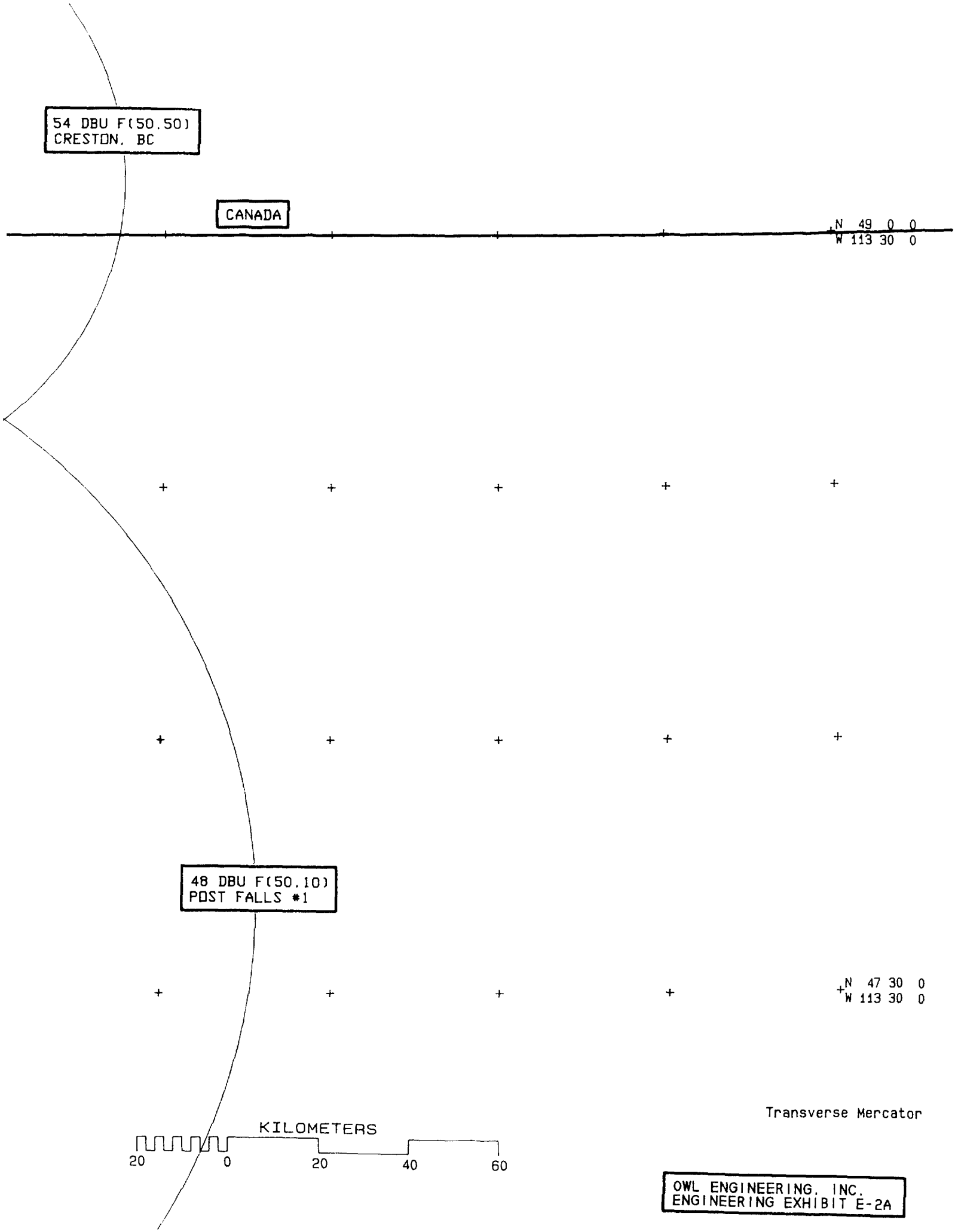
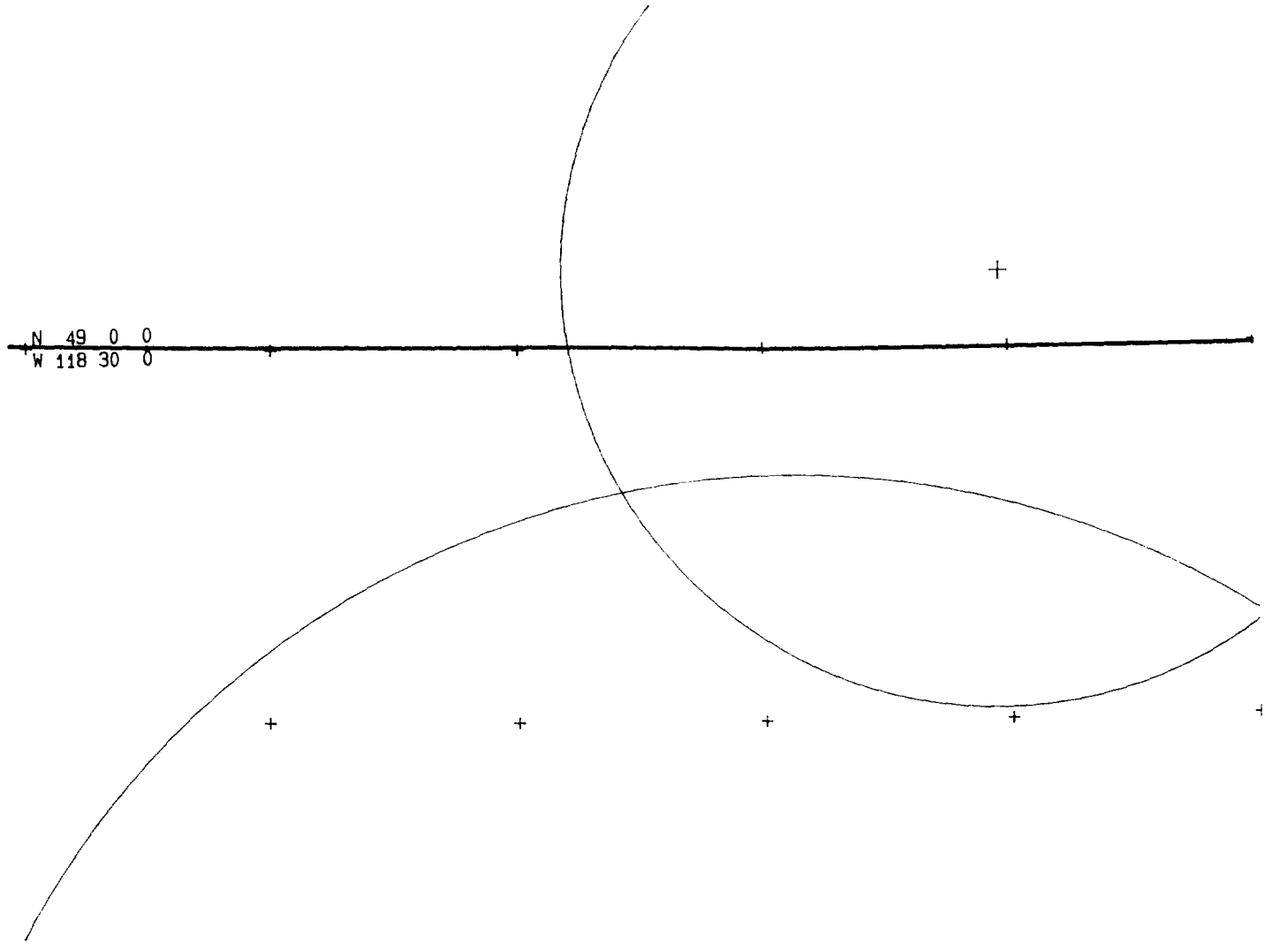
ENGINEERING EXHIBIT E-1

Job Title-> post falls
Site Description -> Site #1
FM Channel 276-C1 (103.1 MHz)

LATITUDE: 47 39' 35" LONGITUDE: 116 57' 12"

CHNL	Call Status	City Owner	Class	Calculated Km.	Required Km.	Clear-ance	Bearing degrees
222	NO CONFLICT						
223	NO CONFLICT						
273	KSPTFM	FMID Sandpoint	A	77.98	75	2.98	22.96
	CP	Benefield Broadcasti	48 18' 16" 116 32' 32"			BPH930811IB	
	302 License application filed 941102						
273	KSPTFM	FMID Sandpoint	A 215	74.82	75	-0.18	23.73
	CP MOD	Benefield Broadcasti	48 16' 29" 116 32' 48"			BMPH920724ID	
	302 License application filed 930730						
273	KRAO	FMWA Colfax	C3	90.20	76	14.20	190.63
	CP	Dakota Communication	46 51' 44" 117 10' 20"			BPH940511JZ	
	302 License application filed 941028						
274	NO CONFLICT						
275	KVAB	FMWA Clarkston	A	134.12	133	1.12	184.83
	CP	Helen S. Warkentin D	46 27' 27" 117 6' 3"			BPH931223MC	
	CP expires 980202						
275	CJORFM	FMBC Oliver	B DA	259.50	195	64.50	310.31
			49 8' 8" 119 40' 8"				
275		FABC Creston	B	163.36	195	-31.64	11.22
			49 6' 0" 116 31' 0"				
276	KCDA	FMID Coeur d'Alene	C2	0.00	224	-224.00	0.00
	LIC	Rook Broadcasting of	47 39' 35" 116 57' 12"			BLH891213KA	
276	KQBE	FMWA Ellensburg	C2	277.58	224	53.58	253.22
	LIC	Peak Communications,	46 53' 16" 120 26' 31"			BLH910510KB	
277		FRID Moscow	A	105.99	133	-27.01*	178.58
	ADD	Darin L. Siebert	46 42' 24" 116 55' 8"			RM8970	
277	KVYF	FMWA Wilson Creek	C3	160.04	144	16.04	255.32
	LIC	Wilson Creek Communi	47 16' 40" 119 0' 0"			BLH941219KD	
277		FABC Grand Forks	A	184.14	164	20.14	325.27
			49 0' 39" 118 23' 25"				
278	NO CONFLICT						
279	NO CONFLICT						


54 DBU F(50.50)
CRESTON, BC
CANADA
N 49 0 0
W 113 30 0
48 DBU F(50.10)
POST FALLS #1
N 47 30 0
W 113 30 0
KILOMETERS
20
0
20
40
60
Transverse Mercator
OWL ENGINEERING, INC.
ENGINEERING EXHIBIT E-2A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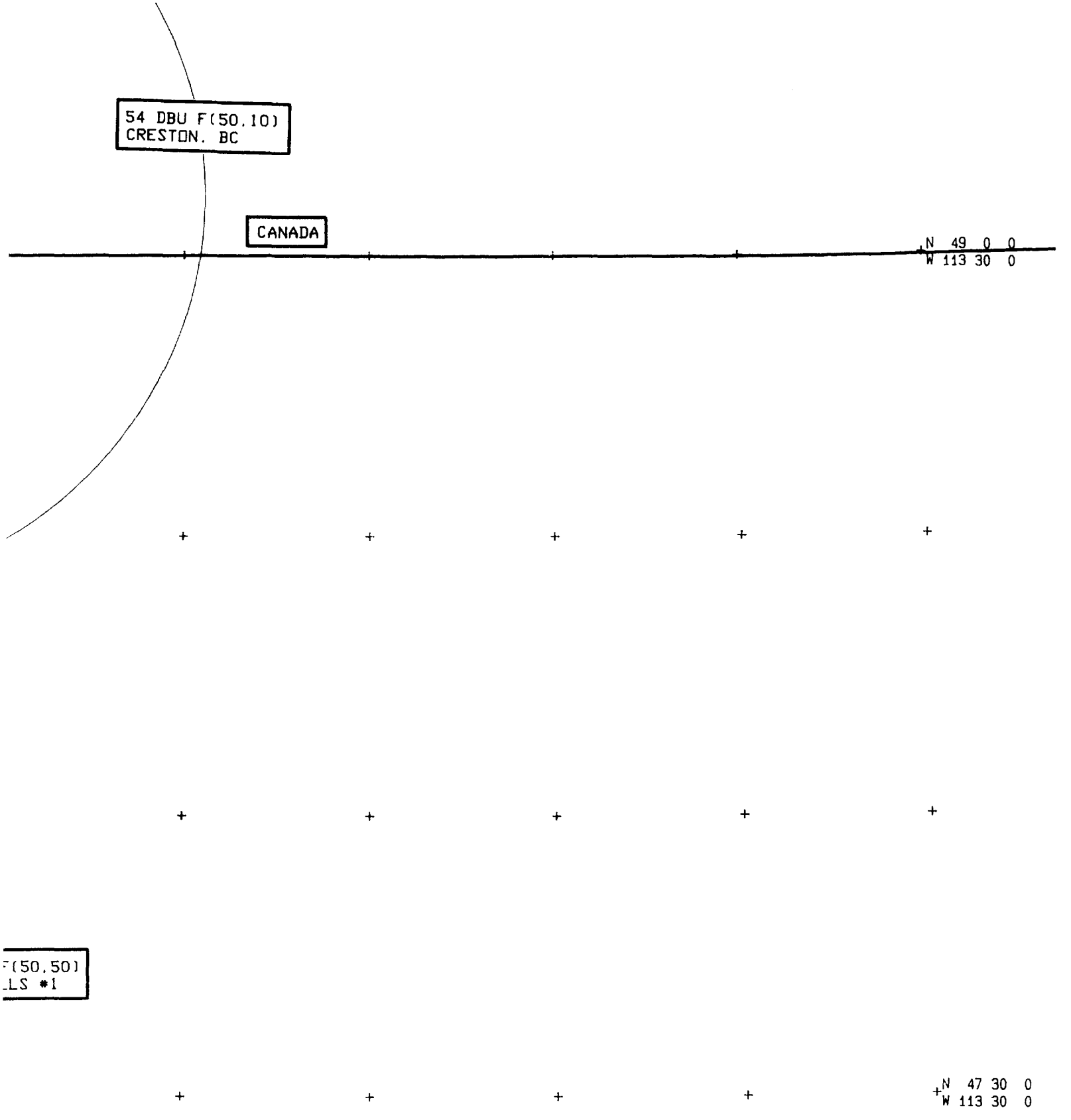
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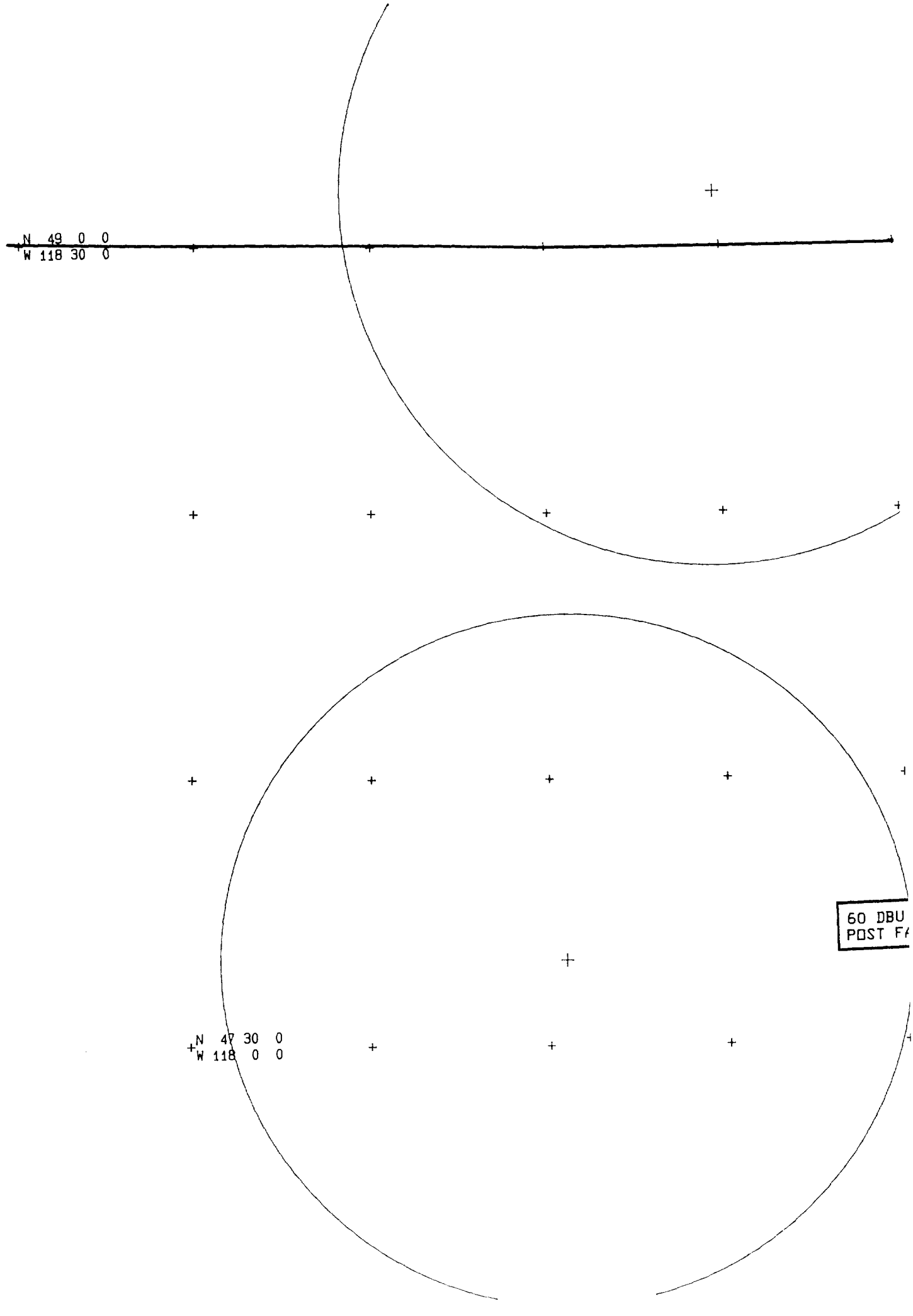
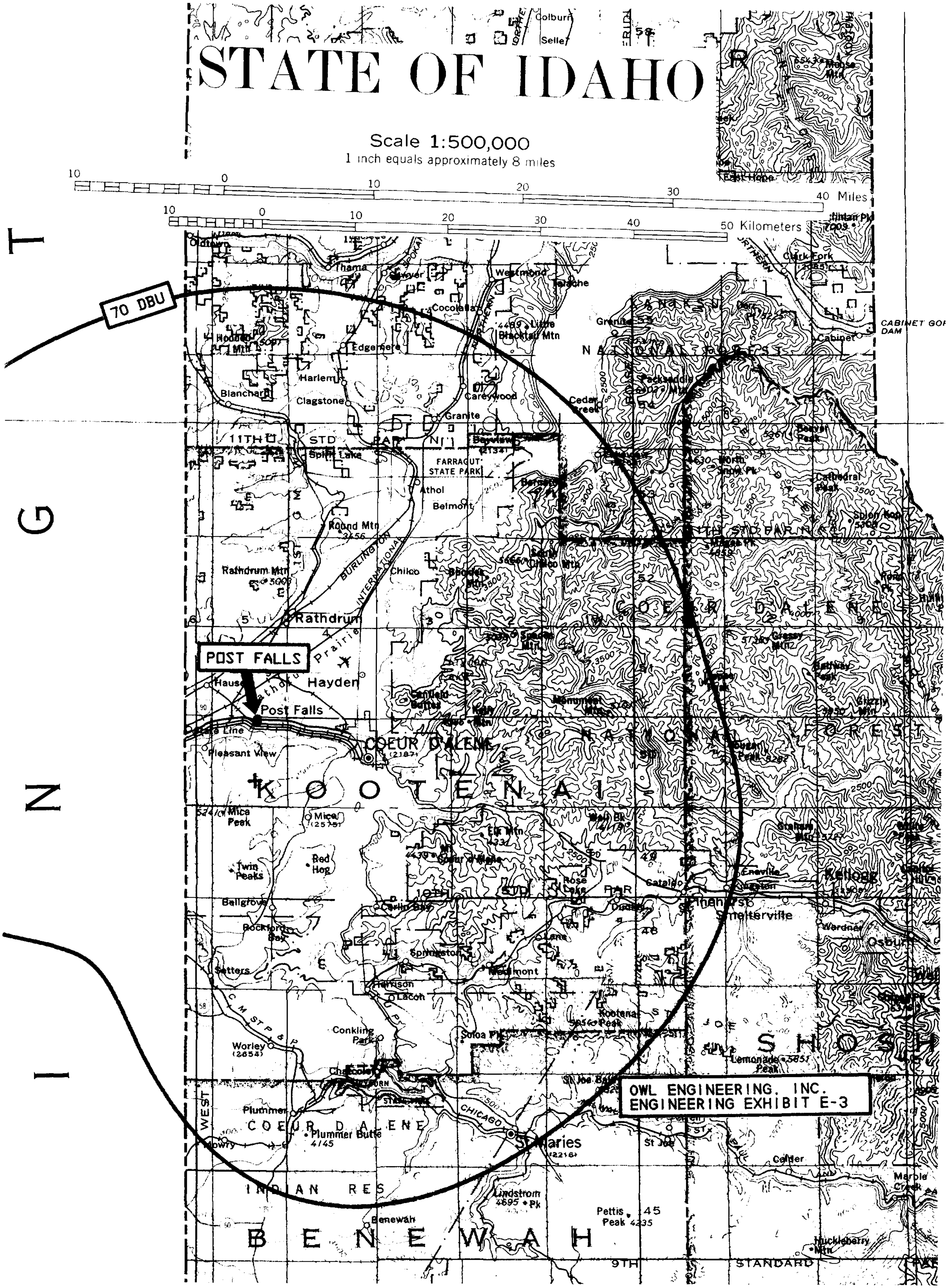
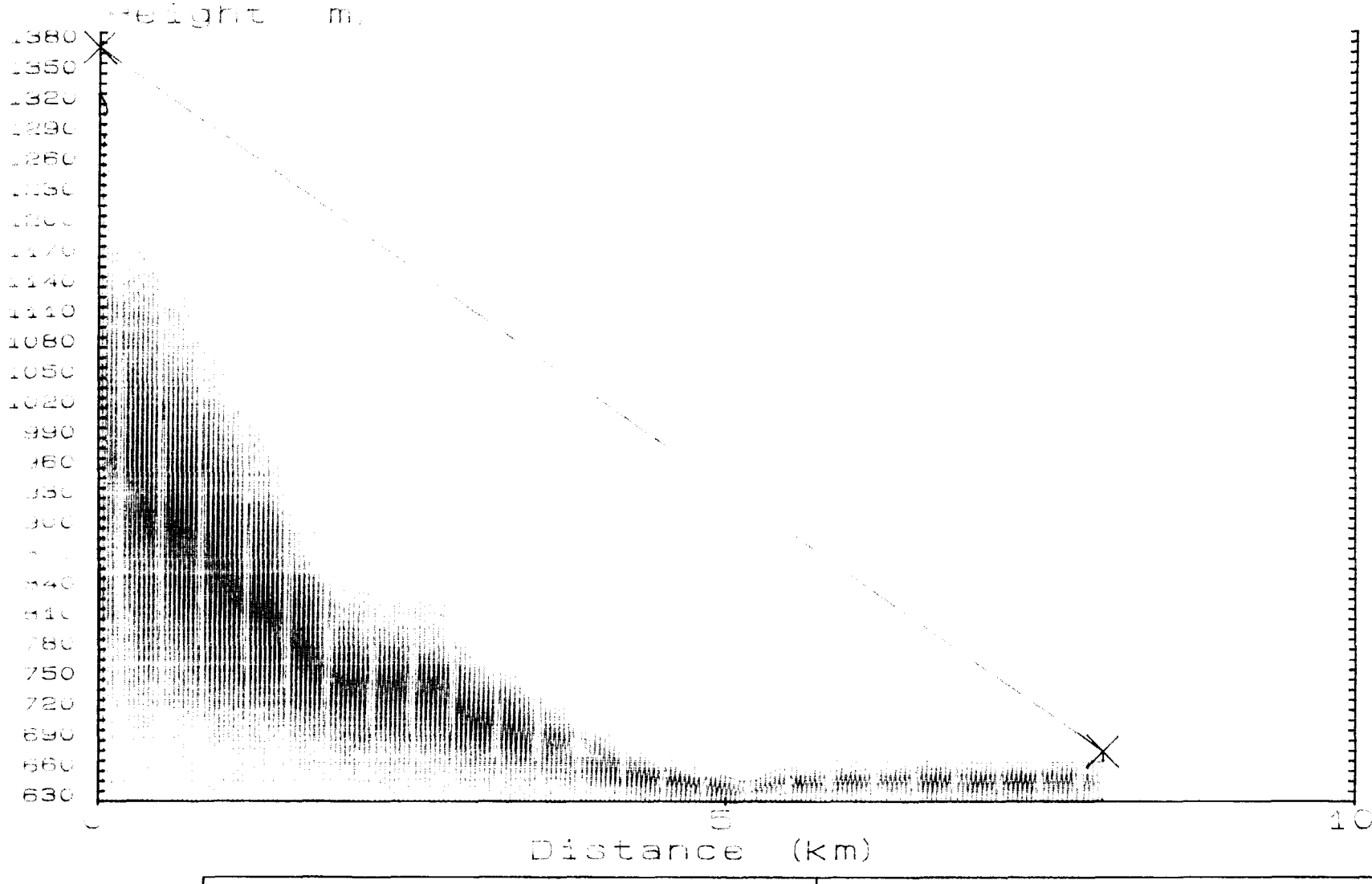
CRESTON, BC
CANADA
N 49 0 0
W 113 30 0
F(50,50)
LS #1
N 47 30 0
W 113 30 0
KILOMETERS
20
0
20
40
60
Transverse Mercator
OWL ENGINEERING, INC.
ENGINEERING EXHIBIT E-2B

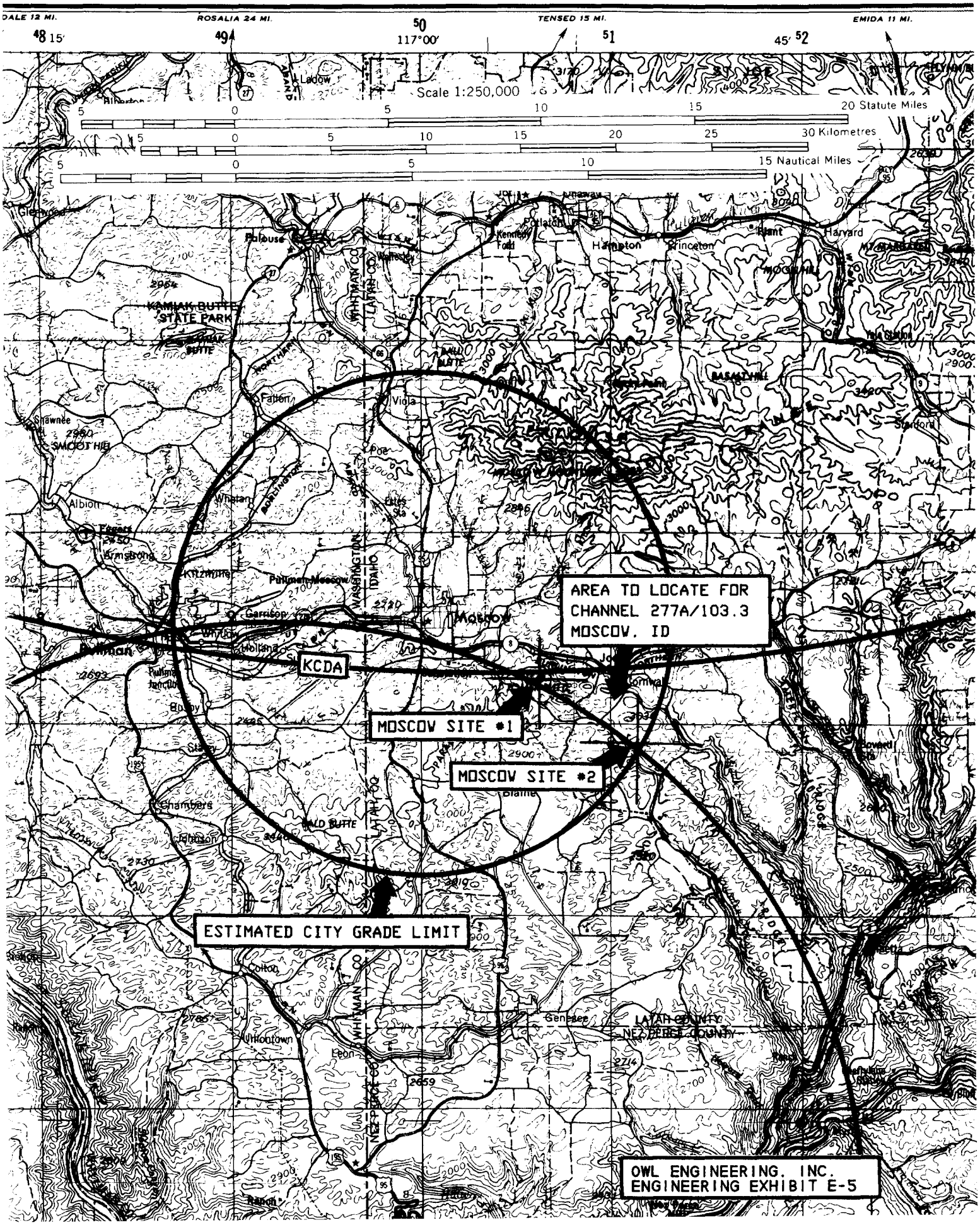

N 49 0 0
W 118 30 0
60 DBU
POST F
N 47 30 0
W 118 0 0


STATE OF IDAHO
Scale 1:500,000
1 inch equals approximately 8 miles
40 Miles
50 Kilometers
70 DBU
POST FALLS
Post Falls
Rathdrum
Hayden
COEUR D'ALENE
KOOTENAI
BENEWAH
SHOSH
St Maries
Kellogg
Smelterville
Plummer
Worley
Sandpoint
OWL ENGINEERING, INC.
ENGINEERING EXHIBIT E-3
I N G T

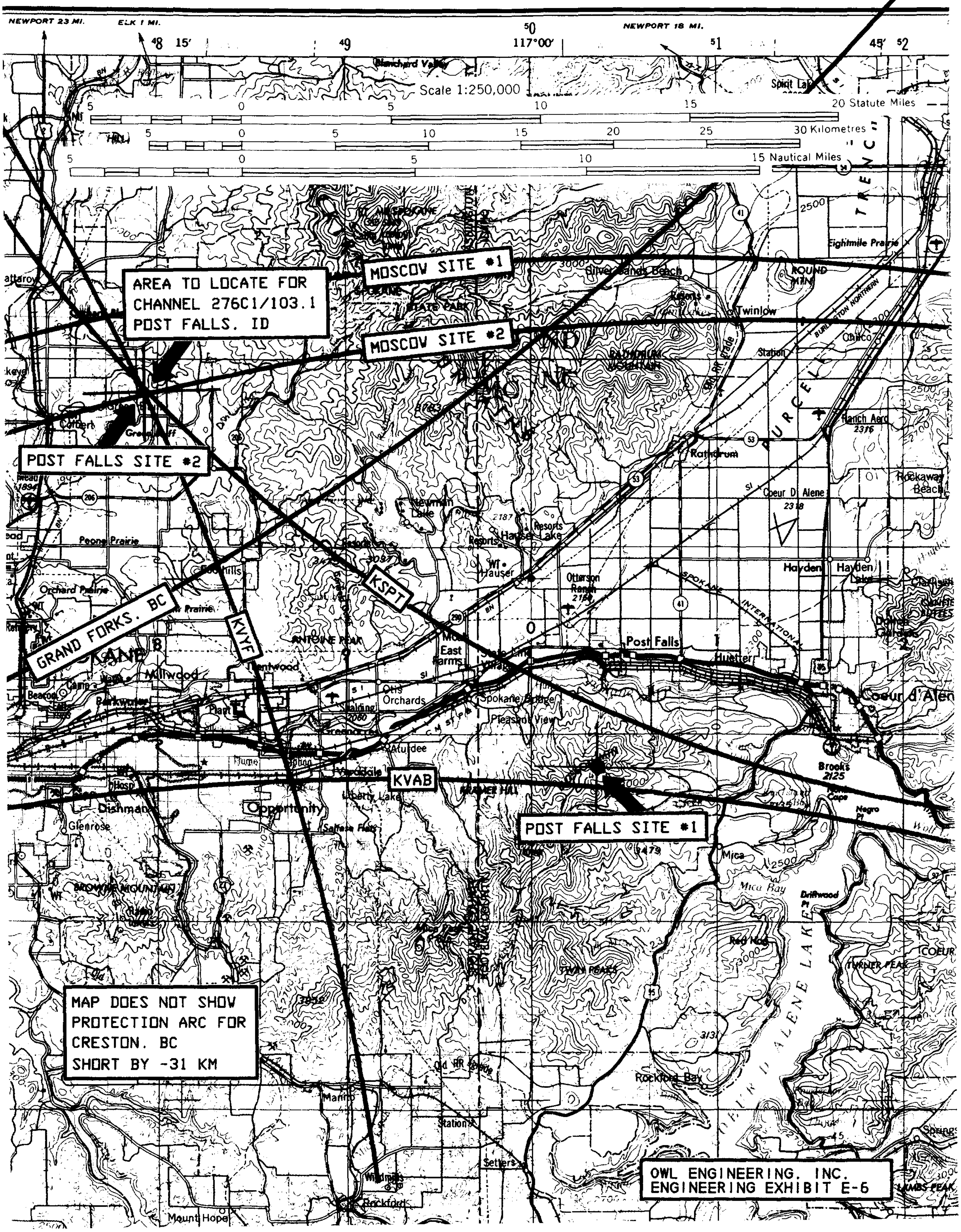


Profile Study for Post Falls Site #1	Engineering Exhibit E-4
Owl Engineering, Inc. 8899 Hastings St. NE	Minneapolis Minnesota (612) 785-4115

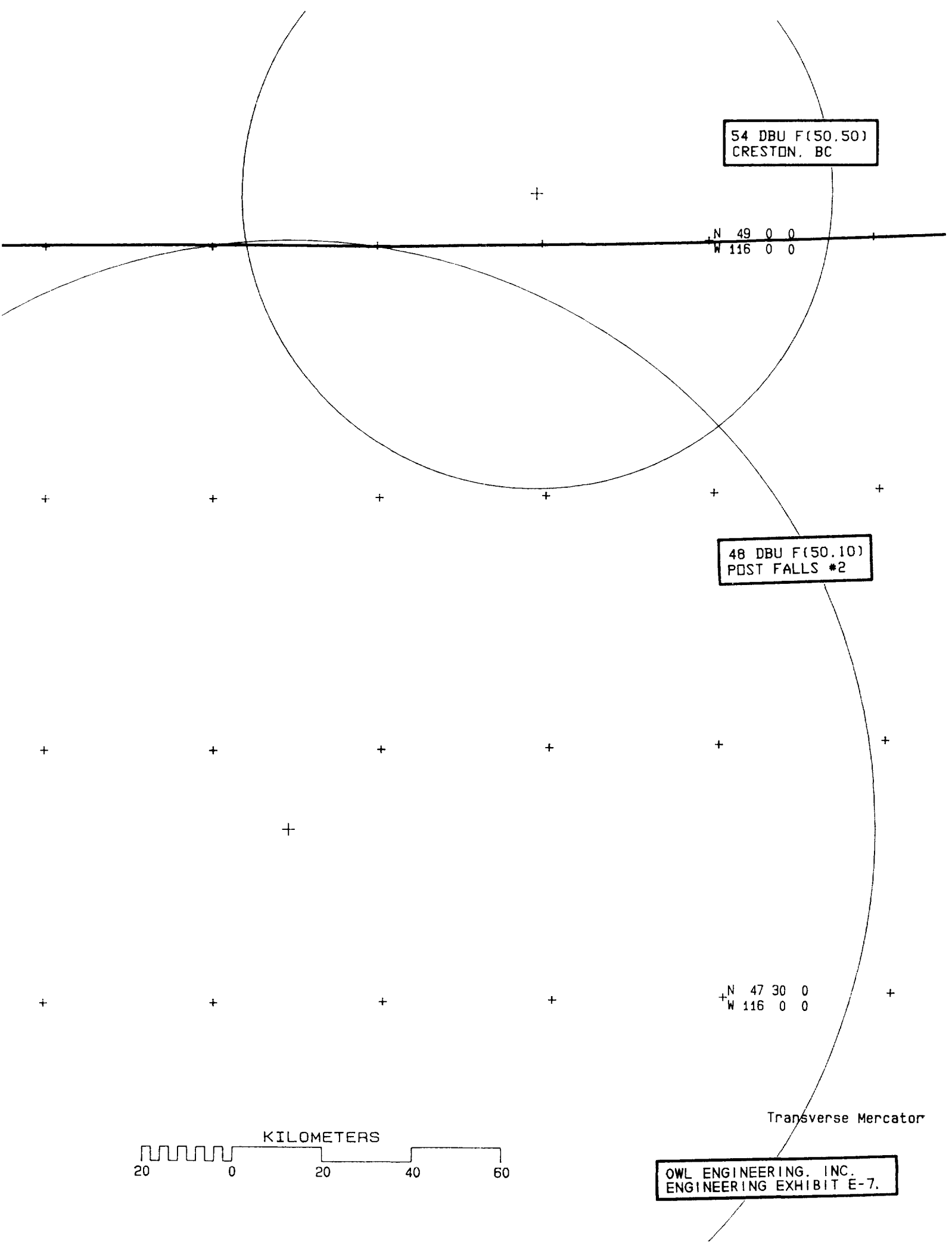
PULLMAN


DALE 12 MI.
ROSALIA 24 MI.
TENSED 15 MI.
EMIDA 11 MI.
48 15'
49
50
117°00'
51
45'
52
Scale 1:250,000
20 Statute Miles
30 Kilometres
15 Nautical Miles
AREA TO LOCATE FOR
CHANNEL 277A/103.3
MOSCOW, ID
KCDA
MOSCOW SITE #1
MOSCOW SITE #2
ESTIMATED CITY GRADE LIMIT
OWL ENGINEERING, INC.
ENGINEERING EXHIBIT E-5

SPOKANE



NEWPORT 23 MI.
ELK 1 MI.
NEWPORT 18 MI.
117°00'
Scale 1:250,000
20 Statute Miles
30 Kilometres
15 Nautical Miles
MOSCOW SITE #1
AREA TO LOCATE FOR
CHANNEL 276C1/103.1
POST FALLS, ID
MOSCOW SITE #2
POST FALLS SITE #2
KSPT
GRAND FORKS, BC
KVYF
KVAB
POST FALLS SITE #1
MAP DOES NOT SHOW
PROTECTION ARC FOR
CRESTON, BC
SHORT BY -31 KM
OWL ENGINEERING, INC.
ENGINEERING EXHIBIT E-6
Post Falls
Rathdrum
Hayden
Coeur d'Alene
Millwood
Opportunity
Dishman
Liberty Lake
Otis Orchards
Mica
Rockford
Mount Hope


54 DBU F(50,50)
CRESTON, BC
N 49 0 0
W 116 0 0
48 DBU F(50,10)
POST FALLS #2
N 47 30 0
W 116 0 0
KILOMETERS
20
0
20
40
60
Transverse Mercator
OWL ENGINEERING, INC.
ENGINEERING EXHIBIT E-7.